

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 RANDY COY HENDERSON,

6 Petitioner,

7 v.

8 STEVE SINCLAIR,

9 Respondent.
10

Case No. C08-5718FDB-KLS

ORDER TRANSFERRING
SECOND OR SUCCESSIVE
PETITION


11 The Magistrate Judge recommends that Petitioner's current petition be transferred to the Ninth Circuit
12 as a second or successive petition and to administratively close this case.

13 Petitioner has filed objections to the Report and Recommendation stating that his current petition
14 involves newly discovered evidence and that the first petition was dismissed without prejudice. The Court,
15 however, is not convinced by Petitioner's contentions.

16 The Court, having reviewed the Report and Recommendation and the remaining record, hereby
17 finds and ORDERS:

- 18 (1) the Magistrate Judge's Report and Recommendation is approved and adopted;
19 (2) the petition (Dkt. #6) is TRANSFERRED to the Ninth Circuit as a second or successive
20 petition.
21 (3) the Clerk is directed to enter this Order and send copies to petitioner, any other party that
22 has appeared in this action, and the Hon. Karen L. Strombom.
23 (4) the Clerk is further directed to administratively close this file.

24 DATED this 14th day of April 2009.

25
26 
27 FRANKLIN D. BURGESS
28 UNITED STATES DISTRICT JUDGE